

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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9 ANGEL GARCIA, Case No. 3:17-cv-00291-RCJ-VPC
10 Petitioner, ORDER
11 v.
12 WARDEN BAKER, et al.,
13 Respondents.

This is a 28 U.S.C. § 22554 petition filed by Nevada state prisoner Angel Garcia.
Garcia paid the \$5.00 filing fee, but due to a clerical error no payment appeared on the
docket. The docket has been corrected (see ECF No. 4). The court has reviewed the
petition pursuant to Habeas Rule 4, and it shall be docketed and served on
respondents.

19 A petition for federal habeas corpus should include all claims for relief of which
20 petitioner is aware. If petitioner fails to include such a claim in his petition, he may be
21 forever barred from seeking federal habeas relief upon that claim. See 28 U.S.C.
22 §2254(b) (successive petitions).

24 Petitioner has also submitted a motion for appointment of counsel (ECF No. 1-2).
25 There is no constitutional right to appointed counsel for a federal habeas corpus
26 proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999
27 F.2d 425, 428 (9th Cir.1993). The decision to appoint counsel is generally

1 discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986), cert. denied, 481
2 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), cert. denied, 469
3 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case
4 are such that denial of counsel would amount to a denial of due process, and where the
5 petitioner is a person of such limited education as to be incapable of fairly presenting his
6 claims. See *Chaney*, 801 F.2d at 1196; see also *Hawkins v. Bennett*, 423 F.2d 948 (8th
7 Cir.1970). Here, the court notes that Garcia was a juvenile at the time of his second-
8 degree-murder conviction and is serving terms that amount to thirty-six years to life.
9 Moreover, it appears that some of the legal issues he wishes to raise may be complex.
10 Therefore, Garcia's motion for counsel shall be granted.

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12 **IT IS THEREFORE ORDERED** that the Clerk shall file and **ELECTRONICALLY**
13
14 **SERVE** the petition (ECF No. 1-1) on the respondents.

15 **IT IS FURTHER ORDERED** that the Clerk shall add Adam Paul Laxalt, Nevada
16 Attorney General, as counsel for respondents.

17 **IT IS FURTHER ORDERED** that the Clerk shall detach and file petitioner's
18 motion for appointment of counsel (ECF No. 1-2).

19 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel is
20 **GRANTED**.

21 **IT IS FURTHER ORDERED** that the Federal Public Defender for the District of
22 Nevada (FPD) is appointed to represent petitioner.

23 **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the
24 FPD a copy of this order, together with a copy of the petition for writ of habeas corpus
25 (ECF No. 1-1). The FPD shall have thirty (30) days from the date of entry of this order
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1 to file a notice of appearance or to indicate to the court its inability to represent
2 petitioner in these proceedings.

3 **IT IS FURTHER ORDERED** that after counsel has appeared for petitioner in this
4 case, the court will issue a scheduling order, which will, among other things, set a
5 deadline for the filing of an amended petition.
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10 DATED: January 29, 2018.

**ROBERT C. JONES
UNITED STATES DISTRICT JUDGE**